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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,163	01/22/2001	Hideshi Mochizuki	1115.65144	2571

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER	
ORTIZ CRIADO, JORGE L	

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/767,163	MOCHIZUKI ET AL.	
	Examiner	Art Unit	
	Jorge L Ortiz-Criado	2655	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-12*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

W. R. YOUNG
PRIMARY EXAMINER

Continuation of 2. NOTE: Applicant has proposed changes to claim 9, by adding "wherein said intermittent braking decelerator intermittently operates said brake to decelerate the rotation of said information recording medium, and subsequently continuously operates the brake to further decelerate the rotation of the information recording medium", this changes raise new issues that would require further consideration and/or search. .

Continuation of 5. does NOT place the application in condition for allowance because: Applicants argue that Kim does not disclose or suggest a first and second deceleration mode requiring a relatively large amount of power and relatively small amount of power, respectively and in which the determination of the mode for deceleration is made based on the power level

The Examiner cannot concur because Kim decelerates the information recording medium to a first or second mode, which consumes relative large power and small power, respectively. In the first mode the rotation of the recording medium is higher than the second rotation in the second deceleration mode. At higher rotation (first mode) the storage apparatus consumes more electric power needed to obtain the predetermined higher rotation, and at a lower rotation (second mode) the storage apparatus consumes less electric power needed to obtain the predetermined lower rotation. Kim discloses in which the determination of the mode for deceleration is made based on the power level the level of voltage in the battery or a power supply used.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Kim discloses a driver for receiving a signal indicating a rotation speed, and

driving the information recording medium in said predetermined direction in such a manner that said information recording medium rotates at the rotation speed indicated by the signal; and

a signal controlling decelerator for inputting a signal indicating a rotation speed lower than the rotation speed of said information recording.

Kim does not expressly disclose a brake for applying a brake force to said information recording medium, and subsequently operates said brake to further decelerate and stop the rotation of the information recording medium this feature is well known in the art as evidenced by Kühn, which discloses an information storage apparatus for holding an information recording medium in a predetermined position and rotating the information recording medium in a predetermined direction to perform at least an information reproduction with respect to the information recording medium comprising a brake for applying a brake force to said information recording medium to decelerate rotation and subsequently operates said brake to further decelerate and stop the rotation of the information recording medium and it would have been obvious to one with ordinary skill in the art at the time of the invention to decelerate the rotation of the information recording medium, including a brake for applying a brake force in order to quickly and reliably operate the driver as suggested by Kühn..